

#### REMARKS

Favorable reconsideration of this application as amended is respectfully requested.

Independent Claim 27 has been amended to present more precisely the invention intended to be claimed. New dependent Claim 30 has been added to provide more comprehensive patent protection.

The rejection of independent Claim 27 under 35 U.S.C. § 103(a) is based upon a proposed combination of Fujimori (5,027,214) and Watanabe (4,887,161). The rejection acknowledges that Fujimori does not explicitly disclose a display portion that displays a moving image of the object picked up by the image pickup portion before applying an operation to the instruction member, and a control portion for causing the number of recordable still images calculated by the calculation portion to be displayed overlapping with the moving image on the display portion.

The rejection proposes to cure this deficiency of Fujimori by relying upon Watanabe.

More particularly, the rejection asserts that Watanabe teaches a digital camera comprising a display which can be used as a viewfinder for displaying moving images and also displays the remaining number of frames in the memory overlapping the displayed image. Applicants respectfully

disagree with this assertion regarding the disclosure of Watanabe.

With regard to the use of the memory cartridge 20 as a viewfinder, Watanabe states that in such a case, the image data indicative of the inputted subject is arranged to be applied by the display buffer memory 24A of memory cartridge 20 at all times for constantly displaying the image data on the display device 24. See column 5, lines 52-60. However, even if the memory cartridge of Watanabe were somehow used as a viewfinder, it is still not apparent how a moving image on such a viewfinder would be overlapped with a number of recordable still images calculated by a calculation portion previous to a user operation of an instruction member, as required by Claim 27. The disclosure of Watanabe regarding overlap of a remaining number of frames with an image on the display device 24 is limited to a displayed still image. Watanabe does not teach or suggest displaying the recordable capacity calculated beforehand overlapped with a moving image.

Accordingly, Claim 27 and the claims dependent thereon should be allowed.

The Commissioner is hereby authorized to charge to Deposit Account No. 50-1165 (XA-7183E) any fees under 37 C.F.R. §§ 1.16 and 1.17 that may be required by this paper

and to credit any overpayment to that Account. If any extension of time is required in connection with the filing of this paper and has not been separately requested, such extension is hereby requested.

Respectfully submitted,

By: Nelson H. Shapiro  
Nelson H. Shapiro  
Reg. No. 17,095

NHS/dmt

Miles & Stockbridge, P.C.  
1751 Pinnacle Drive  
Suite 500  
McLean, Virginia 22102-3833  
(703) 903-9000

December 13, 2005